

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/517,699 Confirmation No.: 8621  
Applicant(s): Philippe Catteau et al.  
Filed: May 16, 2005  
Art Unit: 2887  
Examiner: Mai, Thien T.  
Title: ELECTRONIC LABEL ANTENNA  
Customer No.: 00826

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TO APPEAL BRIEF UNDER 37 CFR § 41.37 AND  
RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

This paper amends Section 5 of the Appeal Brief filed on May 3, 2010, in the application referenced above. Further, this paper responds to the Notification of Non-Compliant Appeal Brief, dated May 6, 2010.

The Notification of Non-Compliant Appeal Brief states that the Appeal Brief is defective for the following reason:

Section V Summary of Claimed Subject Matter does not refer to the Specification as originally filed with respect to independent claim 1, i.e. refers to paragraph numbers but the Specification as originally filed does not include paragraph numbers. The Summary must identify and map all independent claims separately on appeal to the Specification by page and line number or paragraph number and/or drawing if any by reference characters. References to the PG Publication are not accepted.

MPEP § 1205.03(B) notes that “[w]hen the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will

suffice.” Accordingly, Applicant is re-submitting Section 5 in amended form, which includes references to the Specification as originally filed by page and line number.

\* \* \*

5. *Summary of Claimed Subject Matter.*

Independent Claim 1 recites an electronic label 1 comprising a housing 5 having at least one wall 2, a display 3 disposed along the wall 2, and an antenna layer 100 configured to cooperate with the electronic display to transmit information, the antenna layer extending along the wall in such a manner as to constitute a stack with the wall. Application, page 3, lines 23–25 and lines 30–37; page 4, lines 13–24; page 5, lines 1–17; Figs. 1 and 2. The antenna layer 100 comprises at least a first antenna head 101 and at least a second antenna head 103 spaced from the first antenna head such that an area, through which the electronic display 3 is viewable, is at least partially defined in the antenna layer between the first and second antenna heads. Page 6, lines 1–8; Fig. 3. Furthermore, the display comprises metal disposed between the first antenna head 101 and the second antenna head 103 such that the first antenna head 101, the second antenna head 103, and the display 3 are capable of acting as a capacitor. Page 7, lines 27–31. Claims 18–21, 24–30, and 36 depend from Claim 1.

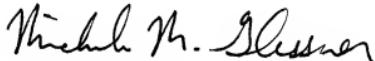
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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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